

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

Date: Thursday, February 19, 2009
Place: Capitol

Time: 3:00 pm
Room: 405

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 383, SB 408, SB 409, SB 471, SB 483

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

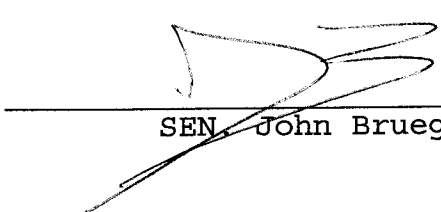
SB483 Tabled SB271 DPAA SB471 DP _____

SB383 Tabled SB278 DPAA SR3 DP (final) _____

SB385 Tabled SB409 DPAA _____

SB203 Tabled SB408 Tabled _____

COMMENTS:



SEN. John Brueggeman, Chairman

MONTANA STATE SENATE
Roll Call
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE: 2/19/09


<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JOHN BRUEGGEMAN, CHAIRMAN	✓	
SENATOR BRUCE TUTVEDT, VICE CHAIR	✓	
SENATOR GREG HINKLE	✓	
SENATOR JIM KEANE	✓	
SENATOR RICK LAIBLE	✓	
SENATOR JESSE LASLOVICH	✓	
SENATOR DAVID WANZENRIED	✓	
SENATOR JONATHAN WINDY BOY	✓	
SENATOR RYAN ZINKE	✓	

COMMITTEE FILE COPY

TABLED BILL

The **SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE** TABLED **SB 483**, by motion, on
Thursday, February 19, 2009.

(For the Committee)


(Secretary of the Senate)

11:40
(Time)

2/20
(Date)

February 20, 2009

Libby Goodwin, Secretary

Phone: 444-4783

COMMITTEE FILE COPY

TABLED BILL

The **SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE** TABLED **SB 383**, by motion, on
Thursday, February 19, 2009.

(For the Committee)

(Secretary of the Senate)

11:40 | 2/20
(Time) (Date)

February 20, 2009

Libby Goodwin, Secretary


Phone: 444-4783

COMMITTEE FILE COPY

TABLED BILL

The **SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE** TABLED **SB 385**, by motion, on
Thursday, February 19, 2009.

(For the Committee)


(Secretary of the Senate)

11:40 | 2/20
(Time) (Date)

February 20, 2009

Libby Goodwin, Secretary


Phone: 444-4783

COMMITTEE FILE COPY

TABLED BILL

The **SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE** TABLED **SB 203**, by motion, on
Thursday, February 19, 2009.

(For the Committee)


(Secretary of the Senate)

11:40
(Time)

2/20
(Date)

February 20, 2009

Libby Goodwin, Secretary

Phone: 444-4783



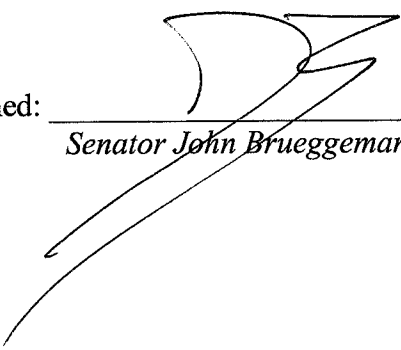
SENATE STANDING COMMITTEE REPORT

February 20, 2009

Page 1 of 6

Mr. President:

We, your committee on **Highways and Transportation** recommend that **Senate Bill 291** (first reading copy -- white) **do pass as amended.**

Signed: 
Senator John Brueggeman, Chair

And, that such amendments read:

1. Page 2, line 1.

Strike: "21"

Insert: "20"

2. Page 2, line 4.

Strike: "21"

Insert: "20"

3. Page 2, line 13.

Strike: "21"

Insert: "20"

4. Page 3, line 5.

Strike: "21"

Insert: "20"

5. Page 4, line 19.

Strike: "21"

Insert: "20"

6. Page 5, line 4.

Strike: "21"

Insert: "20"

7. Page 5, line 27.

Following: "(r)"

Committee Vote:

Yes 5, No 4

Fiscal Note Required ☐

SB0291001SC.sdr

Insert: "if money is available,"

8. Page 5, line 28.

Strike: "21"

Insert: "20"

9. Page 5, line 30.

Strike: "21"

Insert: "20"

10. Page 6, line 2.

Strike: "21"

Insert: "20"

11. Page 6, line 3.

Following: "(2)"

Insert: "(a)"

12. Page 6, line 4.

Following: "track"

Insert: ", except as provided in subsection (2)(b)"

13. Page 6.

Following: line 4

Insert: "(b) The authority may not exercise the power of eminent domain over rights-of-way and track owned by a railroad company."

14. Page 6, line 11 through line 12.

Strike: subsection (b) in its entirety

Insert: "(b) determine the location, construction, use, and operation of its railroad facilities and the potential lease, purchase, ownership, or acquisition of other railroad facilities;"

15. Page 6, line 17.

Strike: "21"

Insert: "20"

Strike: "21"

Insert: "20"

16. Page 7, line 2 through line 5.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

17. Page 7, line 19.

Following: "obtain"

Insert: "general"

18. Page 7.

Following: line 22

Insert: "(2) Information required pursuant to subsection (1) is baseline information and does not include engineering studies, advanced analysis, or preconstruction or construction planning."

Renumber: subsequent subsections

19. Page 7, line 24.

Strike: "21"

Insert: "20"

20. Page 7, line 25.

Following: "not"

Insert: "expend revenue, other than a legislative appropriation, or"

21. Page 7, line 30 through page 8, line 8.

Strike: section 7 in its entirety

Renumber: subsequent sections

22. Page 8, line 10.

Strike: "The"

Insert: "Subject to legislative approval as provided in [section 6], the"

23. Page 8, line 18.

Strike: "21"

Insert: "20"

24. Page 8, line 24.

Strike: "21"

Insert: "20"

25. Page 8, line 30.

Strike: "21"

Insert: "20"

26. Page 9, line 19.

Strike: "21"

Insert: "20"

27. Page 9, line 22.

Strike: "21"

Insert: "20"

28. Page 9, line 24.

Strike: "21"
Insert: "20"

29. Page 10, line 26.
Strike: "21"
Insert: "20"

30. Page 11, line 23.
Strike: "21"
Insert: "20"

31. Page 12, line 3.
Strike: "21"
Insert: "20"

32. Page 12, line 6.
Strike: "21"
Insert: "20"

33. Page 12, line 15.
Strike: "21"
Insert: "20"

34. Page 12, line 19.
Strike: "21"
Insert: "20"

35. Page 12, line 21.
Strike: "21"
Insert: "20"
Strike: "21"
Insert: "20"

36. Page 13, line 2.
Strike: "21"
Insert: "20"

37. Page 13, line 5.
Strike: "21"
Insert: "20"

38. Page 13, line 23.
Strike: "21"
Insert: "20"

39. Page 32, line 10.
Strike: "21"
Insert: "20"

40. Page 38, line 20.

Strike: "21"

Insert: "20"

41. Page 49, line 22.

Strike: "21"

Insert: "20"

42. Page 51, line 2.

Strike: "21"

Insert: "20"

43. Page 51, line 28.

Strike: "21"

Insert: "20"

44. Page 52, line 15.

Strike: "21"

Insert: "20"

45. Page 52, line 19.

Strike: "21"

Insert: "20"

46. Page 53, line 24.

Strike: "21"

Insert: "20"

47. Page 56, line 7.

Strike: "18"

Insert: "17"

48. Page 56, line 10.

Strike: "21"

Insert: "20"

49. Page 79, line 14 through line 16.

Strike: "funding" on line 14 through "[section 7]" on line 16

Insert: "an appropriation is provided to the rail service
competition council for the 2011 biennium and if the council
is eliminated pursuant to [section 117], then the
appropriation may be used by the Montana railroad
development authority pursuant to [sections 1 through 20]"

50. Page 79, line 22.

Strike: "21"

Insert: "20"

51. Page 79, line 24.



SENATE STANDING COMMITTEE REPORT

February 20, 2009

Page 1 of 2

Mr. President:

We, your committee on **Highways and Transportation** recommend that **Senate Bill 278** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator John Brueggeman, Chair

And, that such amendments read:

1. Page 1, line 20.

Strike: "an attachment or addition"

Insert: "a hands-free accessory"

2. Page 2, line 27.

Following: "a"

Strike: "law enforcement"

Insert: "public safety"

Following: "defined in"

Strike: "7-32-201"

Insert: "44-4-401"

3. Page 2.

Following: line 30

Insert: "(iv) an employee of a construction company while working in a construction zone as defined in 61-8-314;"

Insert: "(c) a federally licensed amateur radio operator engaged in public service; or"

Renumber: subsequent subsections

4. Page 3, line 2 through line 4.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

5. Page 3, line 5.

Following: "subsection (2) "

Committee Vote:

Yes 5, No 4

Fiscal Note Required ____

SB0278001SC.sdr

Strike: "or (4) "

Following: "\$100."

Insert: "A violation of this section may not be recorded or charged against a driver's record, points may not be assessed against the driver's record pursuant to 61-11-203, and an insurance company may not hold a violation of this section against the insured."

- END -



SENATE STANDING COMMITTEE REPORT

February 20, 2009

Page 1 of 2

Mr. President:

We, your committee on **Highways and Transportation** recommend that **Senate Bill 409** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator John Brueggeman, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "61-9-321,"

Insert: "61-9-501, AND 61-9-503,"

2. Page 1.

Following: line 20

Insert: "**Section 2.** Section 61-9-501, MCA, is amended to read:

"61-9-501. Inspections by officers of the department. (1)

The department or its agents may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law or that its equipment is not in proper adjustment or repair require the driver of ~~such the~~ vehicle to stop and submit ~~such the~~ vehicle to an inspection and ~~such test with reference thereto~~ as may be appropriate.

(2) In the event ~~such the~~ vehicle and its equipment are found to be in safe condition and in full compliance with the law, the officer making ~~such the~~ inspection may issue to the driver an official certificate of inspection and approval of ~~such the~~ vehicle specifying those parts or equipment ~~so that have been~~ inspected and approved.

(3) In the event ~~such the~~ vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send a copy to the

Committee Vote:

Yes 9, No 0

Fiscal Note Required ____

SB0409001SC.sdr

department. ~~Said The~~ notice ~~shall~~ must specify the deficiencies and require that ~~such the~~ vehicle be placed in safe condition and its equipment in proper repair and adjustment within 5 days, except as provided in subsection (4).

(4) For the purpose of 61-9-321 only, the notice must require the engine compression brake device muffler be in proper repair and adjustment within 14 days."

Insert: "Section 3. Section 61-9-503, MCA, is amended to read:

"61-9-503. Owners and drivers to comply with inspection laws. (1) No person driving a vehicle may refuse to submit the vehicle to an inspection and test when required to do so by the department or an authorized officer or employee of the department.

(2) Every owner or driver, upon receiving a notice as provided in 61-9-501, shall comply ~~therewith~~ and ~~shall within 5 days~~ have the deficiencies corrected and forward notification of the correction to the department. In lieu of compliance with this subsection, the vehicle may not be operated, except as provided in subsection (3).

(3) No person may operate any vehicle after receiving a notice ~~with reference thereto as above provided~~ except as may be necessary to return the vehicle to the residence or place of business of the owner or driver, if within a distance of 20 miles, or to a garage until the vehicle and its equipment have been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter.""

- END -

COMMITTEE FILE COPY

TABLED BILL

The **SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE** TABLED **SB 408**, by motion, on
Thursday, February 19, 2009.

(For the Committee)

Sam Aspin
(Secretary of the Senate)

11:40 / *2/20*
(Time) (Date)

February 20, 2009

Libby Goodwin, Secretary

Phone: 444-4783



SENATE STANDING COMMITTEE REPORT

February 20, 2009
Page 1 of 1

Mr. President:

We, your committee on **Highways and Transportation** recommend that **Senate Bill 471** (first reading copy -- white) **do pass**.

Signed: _____

Senator John Brueggeman, Chair

- END -

Committee Vote:

Yes 5, No 4

Fiscal Note Required ____

SB0471001SC.sdr



SENATE STANDING COMMITTEE REPORT

February 20, 2009

Page 1 of 1

Mr. President:

We, your committee on **Highways and Transportation** recommend that **Senate Resolution 3** (first reading copy -- white) be adopted.

Signed: _____

Senator John Brueggeman, Chair

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required ____

SR0003002SC.sdr

MONTANA STATE SENATE
Roll Call Vote
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE 2/19/09 BILL NO 58483 MOTION NO. _____
MOTION: DPAA

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE		✓	
SENATOR JIM KEANE		✓	
SENATOR RICK LAIBLE		✓	
SENATOR JESSE LASLOVICH		✓	
SENATOR DAVID WANZENRIED	✓		✓
SENATOR JONATHAN WINDY BOY	✓		
SENATOR RYAN ZINKE		✓	
SENATOR BRUCE TUTVEDT, VICE CHAIR	✓		
SENATOR JOHN BRUEGGEMAN, CHAIR	✓		

4 5

MONTANA STATE SENATE
Roll Call Vote
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE 2/19/09 BILL NO SB 383 MOTION NO. _____
MOTION: Table

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	✓		
SENATOR JIM KEANE	✓		
SENATOR RICK LAIBLE	✓		
SENATOR JESSE LASLOVICH		✓	
SENATOR DAVID WANZENRIED	✓		✓
SENATOR JONATHAN WINDY BOY		✓	
SENATOR RYAN ZINKE		✓	
SENATOR BRUCE TUTVEDT, VICE CHAIR	✓		
SENATOR JOHN BRUEGGEMAN, CHAIR	✓		

6 3

MONTANA STATE SENATE
Roll Call Vote
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE 2/19/09 BILL NO SB221 MOTION NO. _____
MOTION: Reconsider

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	✓		
SENATOR JIM KEANE		✓	
SENATOR RICK LAIBLE	✓		
SENATOR JESSE LASLOVICH		✓	
SENATOR DAVID WANZENRIED		✓	✓
SENATOR JONATHAN WINDY BOY		✓	
SENATOR RYAN ZINKE	✓		
SENATOR BRUCE TUTVEDT, VICE CHAIR	✓		
SENATOR JOHN BRUEGGEMAN, CHAIR	✓		

5 4

MONTANA STATE SENATE
Roll Call Vote
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE 2/19/09 BILL NO SB 291 MOTION NO. _____
 MOTION: DPAA

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	✓		
SENATOR JIM KEANE		✓	
SENATOR RICK LAIBLE	✓		
SENATOR JESSE LASLOVICH		✓	
SENATOR DAVID WANZENRIED		✓	✓
SENATOR JONATHAN WINDY BOY		✓	
SENATOR RYAN ZINKE	✓		
SENATOR BRUCE TUTVEDT, VICE CHAIR	✓		
SENATOR JOHN BRUEGGEMAN, CHAIR	✓		

5 4

MONTANA STATE SENATE
Roll Call Vote
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE 2/19/09 BILL NO SB278 MOTION NO. _____
 MOTION: Reconsider

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE		✓	
SENATOR JIM KEANE	✓		
SENATOR RICK LAIBLE		✓	
SENATOR JESSE LASLOVICH	✓		
SENATOR DAVID WANZENRIED	✓		✓
SENATOR JONATHAN WINDY BOY	✓		
SENATOR RYAN ZINKE		✓	
SENATOR BRUCE TUTVEDT, VICE CHAIR		✓	
SENATOR JOHN BRUEGGEMAN, CHAIR	✓		

5 4

MONTANA STATE SENATE
Roll Call Vote
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE 2/19/09 BILL NO SB 278 MOTION NO. _____
 MOTION: DPAA

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE		✓	
SENATOR JIM KEANE	✓		
SENATOR RICK LAIBLE		✓	
SENATOR JESSE LASLOVICH	✓		
SENATOR DAVID WANZENRIED	✓		✓
SENATOR JONATHAN WINDY BOY	✓		
SENATOR RYAN ZINKE		✓	
SENATOR BRUCE TUTVEDT, VICE CHAIR		✓	
SENATOR JOHN BRUEGGEMAN, CHAIR	✓		

5 4

MONTANA STATE SENATE
Roll Call Vote
HIGHWAYS & TRANSPORTATION COMMITTEE

DATE 2/19/09 BILL NO SB471 MOTION NO. _____
MOTION: Do Pass

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE		✓	
SENATOR JIM KEANE		✓	
SENATOR RICK LAIBLE		✓	
SENATOR JESSE LASLOVICH	✓		
SENATOR DAVID WANZENRIED	✓		✓
SENATOR JONATHAN WINDY BOY	✓		
SENATOR RYAN ZINKE	✓		
SENATOR BRUCE TUTVEDT, VICE CHAIR		✓	
SENATOR JOHN BRUEGGEMAN, CHAIR	✓		

5 4

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from HIGHWAYS & TRANSPORTATION ~~LEGISLATION~~ Committee because of other commitments. I desire to leave my proxy vote with:

LASLOVICH

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
SB 048301 ALH		X			
SB 483 As Amended	X				
SB 383 to table	X				
SB 385 to table	X				
SB 203 to table	X				
SB 291 off table		X			
SB 291 As Amended		X			
SB 278 off table	X				
SB 278 As Amended	X				
SB 409 Conceptual Audit - Emergency	X				
SB 409 As Amended	X				
SB 408 To table		X			
SB 471	X				
SR 3	X				

Sen. UNZERN
(Signature)

Date 02-19-08

MONTANA STATE SENATE
Visitors Register

Highways & Transportation Committee

Date 2-19-09

Bill No. SB 409 Sponsor(s) Brueggeman

PLEASE PRINT

PLEASE PRINT

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Name and Address	Representing	Support	Oppose	Inf.
Jason Todhunter	MLA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Highways & Transportation Committee

Date 2-19-09

Bill No. SB 383 Sponsor(s) Waslovich

PLEASE PRINT

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PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
WILLIAM BURGUND 168 Lost Horse RD	XXXXXXXXXX SELF	✓		
Larry Copenhagen Helena MT	MT Wildlife Federation	✓		
Guy Leibenguth Helena MT	Self	✓		
Donnis Price Cavallis MT	self	✓		
Tim Aldrich Missoula, MT	MT Wildlife Fed	✓		
GREG MUNTHER MISSOULA	Backcountry Hunters/Anglers	✓		
Adam Bission	wildlands CPR	✓		
Jim Kropp	FWP	✓		
Cory Swanson	Citizens for Balanced Use		X	
Ronda Wiggers	MT Snowmobile Assoc		X	
Bob Gilbert (proxy)	Walleye Unlimited		X	
Loger Hagen (proxy)	MTKRA		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

Visitors Register

Highways & Transportation Committee

Date 2-19-09

Bill No. SB 408 Sponsor(s) Wanzenried

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Highways & Transportation Committee

Date 2-19-09

Bill No. SB 483 Sponsor(s) Essmenn

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Name and Address	Representing	Support	Oppose	Inf.
GORDON MORRIS	LEWIS & CLARK CO MAC ROAD SUPERVISOR		X	
XXXXXXXXXX	XXXXXXXXXX			
JIM LYNCH	MDT	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.